

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**RISHENG HAN**

Plaintiff,

v.

**JOHN DOE**

Defendant.

**Civil Action No. 1:15-cv-1011**

**IN RE: 0004.COM DOMAIN**

**PLAINTIFF'S ORIGINAL COMPLAINT**

This is an action under the Anticybersquatting Consumer Protection Act ("ACPA") in which Plaintiff Risheng Han ("Plaintiff") makes the following allegations against John Doe ("Defendant").

**PARTIES**

1. Plaintiff Risheng Han is an individual and resident at 30 Zhongshan Road, Shancheng Town, Nanjing County, Fujian Province, China.

2. Upon information and belief, Defendant John Doe uses the name of Hua Qiang with false registration information.

3. The subject Domain Name, the *res* of this *in rem* action is listed in Exhibit A to this complaint, which is a .COM domain for this the registry is Bigrock Solutions Limited, 8140 N. MoPac Expressway, Building 2, Suite 260, Austin, Texas 78759 which is located in this judicial district.

**JURISDICTION AND VENUE**

4. This Court has *in rem* jurisdiction over the subject domain pursuant to the

Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. §1125(d) insofar as the registry for the domain .com name, Bigrock Solutions Limited, is located within this judicial district.

5. This Court also has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 as this action arises under the Anticybersquatting Consumer Protection Act (ACPA), 15 U.S.C. § 1125(d).

6. Venue is proper in this district pursuant to 15 U.S.C. § 1125(d) as the subject registry Bigrock Solutions Limited has its principal place of business in the judicial district. Venue is further proper pursuant to 28 U.S.C. § 1391(b)(2) as the subject of the action resides in the district.

7. The Declaratory Judgment Act, 28 U.S.C. §2201 provides for a declaration of the rights of the Plaintiff in this matter.

### **NOTICE**

8. Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(aa), notice of the filing of this complaint and application for injunctive relief is being sent to the Defendant at the postal and email address to which there has previously been a response as well as the current WHOIS address on the subject Domain Names which is Bigrock Solutions Limited, Customer Service Department, 8140 N. MoPac Expy, Bldg 2, Ste. 260, Austin, TX 78759 and 2014saobi@gmail.com.

9. Plaintiff is providing notice contemporaneously with the filing of this complaint. Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb), Plaintiff will promptly publish notice of this action as the court may direct after filing of this Complaint. A request to waive service pursuant to Rule 4(d) of the Federal Rules of Civil Procedure is being sent as well.

**FACTUAL BACKGROUND**

10. Defendant Risheng Han is the rightful owner of the account “enomns86” at enom.com and owns the domain 0004.com.

11. The Domain Name is used in numerous ways by the Plaintiff.

12. The 0004.com was originally acquired and transferred to the “enomns86” account on December 10, 2013.

13. The 0004.com was registered under Mr. Zhonghe Chen before the illegal transfer on June 26, 2014. Mr. Chen is Mr. Risheng Han’s employee and agent at the time.

14. The theft of the “enomns86” account occurred around June 26, 2014 by an individual identified as “zhonghua,” which appears to be a fake name because of its apparent incompleteness.

15. The hacking was reported to eNom, Incorporated (“enom”), which owns enom.com and took action to verify the actions and returned access to the Domain Name to Mr. Risheng Han shortly thereafter.

16. The 0004.com domain was initially transferred to an account at PDR Ltd. It was transferred out again to Bigrock.com on September 15, 2014.

17. The registrant’s name on the account was revised to an individual named Hua Qiang. Again, appearing to use false registration information for its identity.

18. It is believed that the 0004.com domain is still under control by the same hacker who illegally broke into Mr. Risheng Han’s enom account and initiated the transfer to PDR.

19. Mr. Risheng Han has retained this law firm to retrieve the 0004.com domain and take legal action against those responsible for the illegal transfer.

**COUNT I**  
**CLAIM FOR DECLARATORY JUDGEMENT**

20. Risheng Han repeats and realleges all previous statements made herein of this Complaint as if fully set forth herein.

21. Plaintiff had a contract with enom for control over the Domain.

22. Defendant's actions have taken control of the subject domain from Risheng Han.

23. The Declaratory Judgement Act, 28 U.S.C. § 2201, provides for declaration of the rights of the Plaintiff in this matter.

**COUNT II**  
**CONSUMER PROTECTION ACT (ACPA), 15 U.S.C. § 1114(2)(D)**

24. Risheng Han repeats and realleges all previous statements herein of this Complaint as if fully set forth herein.

25. Risheng Han has owned and used the Domain Name since its registration.

26. Risheng Han, because of Defendant's actions is being prevented from using and exercising control over the subject Domain Name.

27. Risheng Han is being harmed by not having access to his domain name.

**COUNT III**  
**TORTUOUS INTERFERENCE WITH CONTRACTUAL RELATIONSHIP**

28. Risheng Han repeats and realleges all previous statements herein of this Complaint as if fully set forth herein.

29. Risheng Han properly entered into a contract with enom, the registrar for the Domain Name before the Domain Name was stolen.

30. Defendant has unlawfully taken control of the subject Domain Name, interfering with Risheng Han's lawful contract rights to the Domain Name.

31. As a result of Defendants acts Risheng Han has been damaged and will continue to be damaged. Risheng Han requests that this Court declare Defendant liable for its past and any future loss in association with the registration service contract.

**COUNT IV**  
**CONVERSION**

32. Risheng Han repeats and realleges all previous statements herein of this Complaint as if fully set forth herein.

33. Risheng Han has property rights in the subject Domain Name.

34. The Defendant has taken control of the subject Domain Name and is wrongfully exercising control and authority over the subject Domain Name.

35. The Defendant is wrongfully exerting dominion over Risheng Han's property in denial of his rights.

**PRAYER FOR RELIEF**

WHEREFORE, The Plaintiff demands judgement against the Defendant, as follows:

1. Declaring that Risheng Han is the only entity with any rights to the contract controlling the subject Domain Name.
2. Declaring Defendant does not have any rights to the subject Domain Name.
3. ORDERING Bigrock Solutions Limited to return control of the Domain Name to Risheng Han and at the enom registrar.
4. Granting such other and further relief to Plaintiff Risheng Han as this Court deems just and proper.

DATED November 6, 2015.

Respectfully submitted,

By: /s/ Stevenson Moore

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